

East Bellevue Community Council
Summary Minutes of Regular Meeting

July 2, 2002
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Halgren, Keeffe, Wiechmann, and Seal

STAFF: Mary Kate Berens, Legal Planner
Cheryl Kuhn, Neighborhood Outreach Manager

Legal Counsel: Carol Morris

1. CALL TO ORDER

The meeting of the East Bellevue Community Council was called to order at 6:30 PM with Chair Bell presiding.

2. ROLL CALL

Upon roll call by the Deputy City Clerk, all Councilmembers were present. The flag salute was led by Chair Bell.

3. COMMUNICATIONS – WRITTEN AND ORAL

Mr. Halgren announced that he will be out of town until August 6, 2002. He will return in time for the next regular session.

Chair Bell reported on a communication from Charles Barnes regarding the Factoria rezone proposal.

4. APPROVAL OF AGENDA

Chair Bell noted the printed agenda revision eliminating item 5(a.1), Amend Utilities Element policies UT-55 and UT-56a relating to wireless facilities, from tonight's courtesy hearings schedule.

Mr. Halgren moved approval of the July 2, 2002 agenda. Mr. Seal seconded the motion.

Mr. Keeffe requested the addition of 11(a), Kensington Square; 11(b), Law Office; and, 11(c), City of Bellevue Charter.

Chair Bell asked that the agenda be reordered, taking Item 8(a), West Lake Hills Citizen Advisory Recommendations on Neighborhood Shopping Centers, following Mr. Nat Franklin's address to the Community Council.

Mr. Keeffe requested an additional amendment, adding Item 10(a), Letter to the City Manager.

Motion to approve the July 2, 2002 agenda as modified carried 5-0.

5. COURTESY PUBLIC HEARINGS:

- (a) Amend the Comprehensive Plan Glossary definition of Office to allow medium intensity office FAR of up to 0.5 without regard to building size outside of Downtown and in the I-90 Business Park.
- (b) Amend the LUC to create an overlay district based on Office Limited Business (OLB) zoning provisions. Modifications to OLB standards will include a maximum height increase to 70 feet, an office FAR of up to 0.5 without regard to building size, an office parking ratio of 3.5 spaces per 1000 square feet across a portion of the Business Park, modification of the Transition Area Design District Standards of LUC 20.25B as they apply in the overlay district, an increase of certain perimeter setbacks, a decrease of certain interior setbacks, modification of the lot coverage and open space calculations within the overlay district, and modification of the treatment of underground buildings or underground portions of the buildings for setback purposes.

Mary Kate Berens, Department of Planning and Community Development, made the staff presentation. She stated the proposal is City initiated in response to a Boeing request for a Comprehensive Plan map amendment for property at their Eastgate Campus. In February Boeing submitted a revised amendment that would change the map designation from Light Industrial to Office Limited Business, and concentrate the OLB development capacity to the southern portion. This concentration of density would remove development potential from the northern portion of the site and limit that area to open space.

She explained that the Text Amendments and Land Use Code Amendment are proposed to allow concentration of development on large parcels reserving at least 40 percent of the total site to open space available for public use. The proposed Amendments create a new land use designation, Office Limited Business-Open Space to allow this shift in development potential. The LUCA will then codify the new OLB-OS designation and contain the development regulations that would control development on sites with this land use designation. The new designation may be applied to properties of at least 25 contiguous acres where at least 40% of the total contiguous site area would be dedicated to publicly accessible open space. The second Land Use Code designation is a change to the Office definition in the Glossary to allow for FAR in the OLB-OS districts to be calculated without regard to building size.

Chair Bell opened the courtesy public hearing.

Bill Serr, 1412 153rd Place SE, questioned the status of the School District property adjacent to Boeing's Eastgate Campus. He stated his concern with the northern portion of the Boeing's property.

Seeing no one further wishing to speak, Mr. Keeffe moved to close the courtesy public hearing. Mr. Seal seconded the motion which carried unanimously.

In response to Mr. Keeffe, Ms. Berens outlined the proposed review schedule for the above legislation. She explained the proposed maximum building height would go from a 45 foot base to 70 feet. She stated the LUC already provides for basement parking which allows an additional

15 feet of height and a definition of 'building height' that excludes up to 15 feet of screened area for mechanical equipment. The result is a theoretical maximum of 100 feet including mechanical equipment and basement parking.

Mr. Halgren related citizen concerns regarding drainage issues during heavy rain storms on the subject property. He asked if those issues might be addressed as a result of this activity? In response, Ms. Berens stated the Utilities Department has investigated citizen concerns and have determined that the system is functioning as designed. Any proposed development would have to comply with the new standards. On another issue, Ms. Berens stated that the Transportation Department has run a concurrency analysis based on changing the map designation from LI to OLB with at theoretical density maximum and such development did not trip the concurrency cap.

Mr. Halgren stated the Amendments appear to benefit Boeings, in that the citizens of Bellevue will foot the cost of purchasing the newly created open space while Boeing reaps the benefit of intensified office space. He stated his disappointment that Boeings had not seen fit to donate the open space land commiserate with the value of the benefit received.

Responding to Chair Bell, Ms. Berens stated that, although the Boeing application triggered staff to look at the Code to see if there should be some sort of mechanism to deal with such situations, there are other potential sites that could fit into the parameters. She explained that the City would not proactively search for sites to rezone.

Chair Bell commented that, awhile back, the City went through a lengthy process to remove the OU designation from the Land Use Code. He stated that he felt that this proposal was making an accommodation for a specific site and applying it throughout the Land Use Code. He stated it was a lot of effort for one site specific re-designation. In response, Ms. Berens stated staff's belief that the re-designation will have merit in the future.

Continuing to respond to Chair Bell, Ms. Berens explained the language pertaining to concomitant agreements and their applied use.

Mr. Keeffe noted the 40-60% split and questioned the reasoning. Ms. Berens stated the 40% comes from the PUD process, shifting development when the development includes residential uses and requires dedicated open space.

Mr. Keeffe stated his concern with the leeching from the Boeing landfill and potential liability. Ms. Berens stated the purchase agreement between the City and Boeing addresses the liability issue. That agreement is available in the City Council's Office for public review. She stated that she believed that the Utilities Department is monitoring the water quality and drainage issues.

Mr. Halgren stated his recollection of a trail that goes out to 156th. He stated there was an additional trail that was to go south and connect to the frontage road. Mr. Halgren stated he would not like to lose that trail opportunity as a result of this proposal.

In response to Chair Bell, Ms. Berens stated that, if the City purchases the Boeing property along with adjacent School District property, the proposed park would be approximately 28 acres.

There was Council discussion regarding access to the potential park.

Mr. Halgren stated that conceptually he liked the idea of recreational connectivity. He stated he was however concerned with the environmental aspect related to acquisition of the Boeing property for a potential park.

Agenda Interruption

Chair Bell noted that Communications: Written and Oral had been held over pending Mr. Franklin's arrival.

3. **COMMUNICATIONS: WRITTEN AND ORAL**

(a) Nat Franklin regarding Kelsey Creek Shopping Center

Nat Franklin, 15015 Main Street, stated citizen interest in retaining Kelsey Creek Shopping Center and the provision of a grocery retailer. He pointed to a citizen petition of 100+ signatures supporting revitalization of the shopping center. Mr. Franklin noted that, of the people he had spoken to regarding the Center, few were aware of the Community Council's existence. He felt this was unfortunate, as there appears to be a strong groundswell of citizen support for immediate and decisive action to restore local neighborhood shopping opportunities.

Mr. Franklin urged the Council to take a positive position and actively participate in the process. He stated that he thought that the Community Council should get involved with talking to the Planning Department, sharing the feedback provided by Council's constituents. He reiterated that the time and need to do something is now.

Mr. Franklin reviewed his decision to purchase the remainder of the Kmart lease primarily to protect the Center from detrimental businesses offering limited benefit to the neighborhood. He stated his interest in this community was sincere and genuine, and requested relief from the crippling restrictions of the present and outdated concomitant agreement. He asked that Council think bigger than the current concomitant agreement. Mr. Franklin made his appeal to eliminate the concomitant and do something special with the Center.

Mr. Goft, 421 155th Place SE, stated the need for a diverse offering of services in neighborhood shopping centers.

8. **DEPARTMENT REPORTS**

(b) West Lake Hills Citizen Advisory Committee Recommendations and Implementations Planning

Cheryl Kuhn, Department of Planning and Community Development, presented the revised implementation plan. She updated the cost figures, stating that they continue to rise.

Ms. Kuhn reviewed those portions of the plan for immediate action regarding local shopping centers. These proposals are as follows:

1. Community discussion be initiated at once to talk about the future of the Kelsey Creek and Lake Hill Shopping Centers.

2. The City undertake a study of its neighborhood business zoning to determine if it meets the present needs of business owners.
3. The City specifically undertake the study of concomitant agreements that limit development on these shopping center sites.
4. The community and City collaborate on some community uses for both public and private property within the community to liven up shopping centers and to bring activities that are beneficial to both the community and business owner.

Rich Wagner, Baylis Architects, spoke regarding the need to expand the tools available to the Community Council to allow more proactive participation. He stated that the Council's interpretation of the Appearance of Fairness Doctrine is far more restrictive than interpretations used by other jurisdictions in the Puget Sound area. He stressed the need for early feedback to lead the process to a successful conclusion.

Sal Mineo, 15125 NE 6th Street, stated that he felt that it was an outrage to suggest further discussion, duplicating previous discussions already accomplished this past year during multiple public meetings. The time for action is now. Lift onerous concomitant restrictions that are government imposed upon these two shopping centers. He stated his belief that the market place will dictate the types of businesses that locate in the centers. If there is no patron support, they will not come. Mr. Mineo asked that government step out of the way of progress.

Cason Swindle, 2502 161st Avenue SE, spoke regarding the opportunity to create public/private partnerships in place of the sometimes adversarial relationships of the past. He stated his support of this opportunity and encouraged the Council to support it as well.

Doug Mathews, 15419 SE 10th, reiterated that the opportunity is now, the timing critical. A few months from now the opportunity may be lost.

Ed Gorlich, 1911 160 Avenue NE, stated there has been no discussion pertaining to the loss of City revenue, nor has he heard mentioned the loss of employment opportunity represented by Kmart's departure. He stated the importance of a grocery facility within walking distance of the neighborhood. Mr. Gorlich added his voice to the urgency and his support for positive action now.

Bill Serrs stated the concept of a public/private partnership is worthless. They don't work. He presented Council with a document entitled "Horse Wisdom" and explained his viewpoint regarding the revitalization of East Bellevue.

In response to Mr. Wagner's comments on the Community Council's role, Chair Bell clarified that the work of the Community Council was not to make the rules or decide what is an acceptable rule or Land Use Code interpretation. The job of the Community Council is to represent the constituency when legislation is presented that applies to the East Bellevue area. It is the Community Council's job to make an independent decision based on the best interest of its citizens.

Responding to Mr. Wagner's comments on the Community Council's anonymity, Mr. Keffe stated that the fact that too few constituents were aware of the Community Council's existence was by City Council design. The City Council has repeatedly denied even the most modest

funding for a Community Council newsletter to update the local community of Community Council activities.

Mr. Keeffe inquired of Mr. Franklin what he felt were the top hindrances to the revitalization of the Kelsey Creek Shopping Center. Mr. Franklin responded with his main concerns:

1. The stream opening requirement;
2. Building height restriction;
3. Use restrictions.

Responding to Chair Bell's question regarding 'next steps', Ms. Kuhn stated the next step would be for Mr. Franklin to submit his proposal. She reminded Council that the message received last fall during the Lake Hills Shopping Center deliberations was that the community wanted to weigh in during any talks related to the revitalization of neighborhood centers.

Ms. Kuhn reported that the Mayor has indicated that she would hope before the City invests the additional staff hours to undertake a full fledged zoning study, she would like some assurances that the Community Council perceived that direction as viable.

Mr. Halgren suggested that Council distribute the December 13, 2001 West Lake Hills CAC's summary of their roundtable forum with neighborhood shopping center owners to those very same stakeholders and others to request any additional input they wish to provide in order to facilitate Community Council discussion on the issue. He stated the concerns of the community regarding neighborhood shopping center vitality existed even back as far as the early '80s. At that time, the Community Council suggested the City look at the "Neighborhood Business" zoning designation. However, the City opted to maintain the NB zoning designation and address local shopping center needs by rezoning to CB with restrictive conditions in the form of concomitant agreements. Mr. Halgren expressed the improbability of day-lighting the creek at Kelsey Creek Center. He strongly supported going back to NB and fixing that designation to make it viable for today's needs.

(c) Secure Community Transition Facilities LUC Amendment.

Mary Kate Berens made the staff presentation. The State Legislature amended the Growth Management Act to specifically include Secure Community Transition Facilities as essential public facilities. The impact of that amendment was to require local jurisdictions to adopt regulations and policies that would not preclude the siting of SCTF in their communities. It is the staff's expectation that this matter will move forward to the Planning Commission on July 10, 2002 for review, a public hearing slated for July 31, 2002, and City Council approval/disapproval action on August 5, 2002.

Secure community transition facility is defined as a residential facility for persons civilly committed and conditionally released to a less restrictive alternative. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community based facilities established and operated by the secretary or under contract with the secretary.

Ms. Berens provided a brief background for the proposed legislation.

Chair Bell opened the courtesy public hearing.

Bart Goft questioned the availability of funding dollars for siting these facilities. In response, Ms. Berens stated that the state had provided for planning grants to jurisdictions entering early in the process to identify potential sites. She stated jurisdictions' reluctance to stand out in the process.

Seeing no one further wishing to provide public input, Mr. Keffe moved to close the courtesy hearing. Mr. Halgren seconded the motion which carried 5-0.

Chair Bell questioned the Community Council's role in approving applications to establish a secure community transition facility within their jurisdictional boundaries. Ms. Berens responded that she would research the question and return an answer to the Community Council. She stated that land use decisions within Process I when subject to Community Council authority currently are handled under the Process III. Ms. Berens stated that it might be appropriate to note that in the proposed language.

Continuing to respond to Chair Bell, Ms. Berens stated, in regards to Policy CF-19, new language is being proposed to include a proscription of locating these secure facilities around mixed-use areas that contain residential housing within commercial or neighborhood shopping centers. She stated the group homes issues is unrelated to this secure facility siting issue.

In response to Mr. Seal, Ms. Berens agreed as to the difficulties in siting these facilities.

In response to Ms. Wiechmann, Ms. Berens stated that staff has received mixed messages. DSHS anticipates fifteen beds in King County through 2007 and has indicated that it is desirous for those beds to be contained in a single facility.

Continuing to respond to Ms. Wiechmann, Ms. Berens stated the City currently is contracting with Wenatchee for jail services. She explained the jail siting process.

13. EXECUTIVE SESSION

Chair Bell adjourned to Execution Session to discuss pending litigation with Special Legal Counsel Carol Morris for a duration of ten minutes.

The Community Council returned from Executive Session at 9:33 PM. Chair Bell called for a brief recess and reconvened Regular Session at 9:40 PM.

6. COMMITTEE REPORTS None.

7. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS None.

8. DEPARTMENT REPORTS

(b) 140th Improvement Project Update

Chair Bell noted the brief report in the desk packet. Mr. Wagner, via a written report, indicates that the paving is complete. The contractor is installing the storm drainage detention tank in the school parking lot. Some storm drainage work and construction of a bio-swale is yet to be accomplished. The landscape contractor is working on the irrigation system and when that is finished will start with the plantings. The medians islands still need to be constructed which will take place after the storm drainage work is finished. They will likely be done with the project sometime in September. They are on schedule or slightly ahead. Everything should be done prior to the start of school with the exception of the landscaping and cleanup.

9. **COMMITTEE REPORTS** None.

10. **UNFINISHED BUSINESS**

(a) Letter of the City Manager

Responding to Mr. Keffe, the Clerk stated no response had been received from the City Manager regarding the Council's budget request nor the Utility Code enforcement issue.

Mr. Keffe indicated that there may be a problem with the Council's communications to the City Manager. He asked the Clerk to review the Council's correspondence log to determine how many outstanding responses are yet to be received from Mr. Sarkozy.

Mr. Keffe suggested that the Council send Mr. Sarkozy a letter asking that a written response to the Council's prior inquiries be received by August 6, 2002. There was a Council consensus. It was agreed that Mr. Keffe should oversee the drafting of the letter.

11. **NEW BUSINESS:**

(a) Kensington Square

Mr. Keffe noted the Kensington Square application for a six unit townhouse published in the Blue Bulletin. He stated that, although it is outside the Community Council's area, it abuts the Council's jurisdictional boundaries. Mr. Keffe suggested that Council take a look at the proposal and consider if it would be appropriate to make comments.

(b) Law Office

Mr. Keffe noted Mr. Nuxol's application for a home occupation permit.

(c) City of Bellevue Charter

Mr. Keffe distributed for Council information a flyer regarding a campaign to make Bellevue a charter city.

(d) Letter on Shopping Centers

Mr. Halgren asked that Council send a letter to shopping center owners and other interested parties soliciting their input about today's requirements for an economically viable shopping center. He suggested a copy of the CAC summary minutes of Decemeber 2001 be included.

In response to Mr. Keffe, Mr. Halgren explained that the information received from the shopping center owners and interested parties could be used internally by the Community Council as additional information in terms of future activities for neighborhood shopping centers.

There was Council consensus.

(e) West Lake Hills CAC Recommendation/Implementation Plan

Chair Bell asked that Council send a letter to the City Council regarding the West Lake Hills CAC's implementation plan. He reviewed the earlier discussion and asked if the Community Council would like to support one of the approaches of the implementation plan? He suggested that Mr. Halgren had made a good argument for revising the NB designation to make it economically viable for accommodating vitality in neighborhood shopping centers in general.

There was Council discussion.

Mr. Halgren noted the current use of CB with conditions gives the potential operators of these shopping centers the misconception of commercial business zoning when in fact these are conditioned as neighborhood shopping centers. He purported fixing the NB designation to result in a zoning that is viable for today's market.

Mr. Keffe stated his agreement up to a point. Every site has its specific physical characteristics. For instance, Bel East does not have peat, it does not have a stream flowing through it. He stated his feelings that there should be a capability to take site specific requirements into consideration.

Chair Bell stated that the building permit review process would take into account geological and other physical features such as runoff into Kelsey Creek.

Chair Bell suggested that Council 's letter reflect their agreement with the CAC's recommended goals to bring stakeholders to the table to develop a vision for Lake Hills and Kelsey Creek Shopping Centers; to re-examine commercial related zoning to ensure that shopping centers in these zones have the latitude to develop an attractive, community-serving, and profitable mix of uses; and, encourage commercial development that is pedestrian-oriented and attractive from the street and sidewalk. The Council's letter should also reflect their strong disagreement with the approach of re-tailoring existing concomitant agreements on a site by site basis.

Chair Bell further suggested that Council support the use of an independent consultant to guide, facilitate and advise stakeholders throughout the discussions and to develop independent recommendations for balancing the vision against the necessary changes to the Comprehensive Plan and Land Use Code amendments. The outside consultants can also address economic issues and the technical aspects of engineering and biological issues. Council would also support the expansion of the scope to include the Newport Hills, Bel-East and other shopping center sites so that any adopted change will fit citywide.

There was Council consensus to relay Council's position on this matter to City Council.

12. CONTINUED COMMUNICATIONS

Mr. Keeffe noted Ron Langley's email regarding the Community Council's article for Its Your City.

Chair Bell volunteered to write the article.

14. APPROVAL OF MINUTES

(a) June 4, 2002 East Bellevue Community Council Summary Minutes

Mr. Seal moved approval of the June 4, 2002 East Bellevue Community Council summary minutes. Mr. Keeffe seconded the motion which carried 5-0.

15. ADJOURNMENT

Mr. Seal moved adjournment. Mr. Keeffe seconded the motion which carried 5-0. The meeting of July 2, 2002 adjourned at 10:25 PM.

Submitted by:

Michelle Murphy, CMC
Deputy City Clerk